

Minutes of Special and Regular Meeting of April 25, 2006

SPECIAL MEETINGS

CLOSED SESSION - 6:40 P.M.

- A. Conference with Labor Negotiator, Maureen Cassingham, pursuant to Government Code Section No. 54957.6: BPOA
- B. Conference with Legal Counsel pursuant to G.C. Section 54956.9, Anticipated Litigation: One Case

Attended by Councilmembers Feierbach, Warden, Dickenson, Lieberman, Mathewson, Interim City Manager Cassingham, City Attorney Zafferano, Interim Human Resources Director Sam (Item A only), Police Chief Mattei (Item A only), Fran Buchanan (Negotiator, Item A only), Finance Director Fil (Item B only), Lee Rosenthal (Redevelopment Agency Attorney, Item B only), Curtis Williams (Harbor Industrial Area Consultant, Item B only). City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:45 P.M., these special meetings were adjourned.

Terri Cook

City Clerk

Meeting not tape recorded or videotaped.

REGULAR MEETING

CALL TO ORDER 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Dickenson, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Cassingham, City Attorney Zafferano, Community Development Director de Melo, Public Works Director Davis, Police Chief Mattei, Interim Parks and Recreation Director Bridges, Finance Director Fil, Administrative Assistant Stallings, Fire Chief Lowden, City Clerk Cook.

REPORT FROM CLOSED SESSIONS

Mayor Mathewson stated that no action had been taken at the Closed Sessions noted above.

PLEDGE OF ALLEGIANCE

Led by City Clerk Cook.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Mary Ridge, Belmont resident, expressed concerns regarding pedestrian and vehicular safety at a business on Old County Road. She also commented regarding the amount of motorcycle riding that takes place in her neighborhood, and requested that the City notify all motorcycle riders to discontinue revving their engines as they drive around.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Lieberman welcomed Divino, a new restaurant in town.

Mayor Mathewson announced that the ribbon cutting for the New Library would be held on April 29th at 9:30 a.m.

RECESS: 7:50 P.M. to consider the Belmont Fire Protection District agenda

RECONVENE: 8:35 P.M.

AGENDA AMENDMENTS

Councilmember Feierbach requested the removal of Item 4-E (Resolution Approving a Professional Services Agreement with Duke's Root Control, Inc. for Root Foaming of Sewer Lines for an Amount not to Exceed \$60,000), and Councilmember Dickenson requested the removal of Item 4-G (Resolution Approving Contract Amendment No. 8, Change Orders for the Preparation of the Caltrans Project Report, Plans, Specifications, Cost Estimates, and Project Permitting for the Ralston Avenue Pedestrian/Bicycle Bridge in the Amount Totaling \$218,202, City Contract No. 433) for separate consideration.

CONSENT CALENDAR

Approval of Minutes of Special Meetings of March 6, March 17, March 22, and March 24, 2006.

Acceptance of Written Communication: 1) Received April 19, 2006, Notice of Filing of PG&E Application for Approval of Recovery Rates

Acceptance of Police Department/City Hall Project - April Monthly Update

Acceptance of Belmont Library/Belameda Park Project - April Monthly Update

Approval of Resolution 9773 Authorizing Workers' Compensation Insurance Coverage for Non-Statutory Volunteers

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Dickenson, the Consent Agenda was unanimously approved, as amended, by a show of hands.

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Approving a Professional Services Agreement with Duke's Root Control, Inc. for Root Foaming of Sewer Lines for an Amount not to Exceed \$60,000

In response to Councilmembers Feierbach and Lieberman, Public Works Director Davis clarified that Duke's took responsibility for a previous problem regarding foam intrusion into a home and resolved the issue.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Dickenson, Resolution 9774 Approving a Professional Services Agreement with Duke's Root Control, Inc., for Root Foaming of Sewer Lines for an Amount not to Exceed \$60,000 was unanimously approved by a show of hands.

Resolution Approving Contract Amendment No. 8, Change Orders for the Preparation of the Caltrans Project Report, Plans, Specifications, Cost Estimates, and Project Permitting for the Ralston Avenue Pedestrian/Bicycle Bridge in the Amount Totaling \$218,202, City Contract No. 433

Councilmember Dickenson noted that this Change Order brings the total vendor contract amount to \$1 million. He questioned whether there would be additional change orders, and requested information as to the scope of the project.

Public Works Director Davis responded that the expenditures under this contract is to complete the bid documents. He noted that the construction estimate is \$5.5 million to \$6 million, and the City has just under \$3 million. Additional grants will be sought, and additional revenues will be received from Measure A funds in 2008 to supplement the funds necessary for this project. This change order should close out this contract, and he clarified that changes in Cal Trans requirements are what was driving the need for the change orders and the change of scope. He stated that once Cal Trans approval is given, the approval is good for several years. He provided examples of other projects in the region that had been given approval over ten years prior and were still valid project.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, Resolution 9775 Approving Contract Amendment No. 8, Change Orders for the Preparation of the Caltrans Project Report, Plans, Specifications, Cost Estimates, and Project Permitting for the Ralston Avenue Pedestrian/Bicycle Bridge in the Amount Totaling \$218,202, City Contract No. 433 was unanimously approved by a show of hands.

HEARINGS

Public Hearing to Consider a Conceptual Development Plan (CDP) Amendment and Tentative Parcel Map (Lot Split) for Notre Dame High School & Sisters Province Center at 1540 Ralston Avenue

Community Development Director de Melo reviewed the Planning Commission Hearing process which resulted in its recommendation for approval of this amendment and lot split. He clarified that the action requested is to split the lots only, and does not include any new development or additional parking. The Planning Commission's had concern regarding access for the Province Center has been addressed with the recent recordation of an easement along College Way (also known as Laxague Way).

Community Development Director de Melo clarified that there is only one finding to make in order to grant the request for the lot split. He noted this will result in a change in the floor area ratio of each

parcel. The amended performance standards, which address floor area and density, define the allowed uses. It will incorporate the recent addition of the Province Center and the high school remodel. Any future changes would require an amendment to the Conditional Use Permit, although minor changes would be allowed.

In response to Council questions, Community Development Director de Melo stated that a new owner could continue the current use with different people involved. This is a land-use issue. Any sale of the Province Center to the University is addressed through the Conceptual Development Plan (CDP). He reviewed parking availability on each site.

Councilmember Feierbach stated that prior approvals were based on the building, not on different uses.

Councilmember Lieberman questioned why the lot split was necessary, and requested information as to whether a denial of the request would constitute a hardship.

City Attorney Zafferano stated that Condition G outlines the parking requirement, and an amendment to the CDP would be required if more parking was needed.

In response to Council questions, Community Development Director de Melo stated that the high school has not expressed any intent to do any additional development. He noted this request was for financial reasons, as each of the entities is currently encumbered by the others' financing. He noted that the high school's parking requirements are addressed in the zoning, and through the CDP. He outlined the shared parking agreement with the University. Irrespective of the high school's enrollment, it cannot physically increase parking.

Steve Wilson, Project Applicant representative, stated that two buildings currently occupy the same parcel, which provides complications for financing and lines of credit. This is an anomaly. The intent is to create each entity with its own land, and there is no intent to change the use.

John Clardy, Project Applicant representative, clarified that the Sisters of Notre Dame are the sole owners of all three entities as a parent-subsidiary, although each entity is independently operated. He acknowledged that an increase in parking would require an amendment to the CDP.

Councilmember Feierbach stated that she supports the request, but expressed concerns regarding future changes to the facilities. An enforcement tool is needed. She would like the Sisters to remain on the property.

Mr. Wilson responded that the Sisters want to be good neighbors, and a high level of trust has been established with the City. He wishes to avoid the religious use issue. Mr. Clardy explained the residential opportunities at the Province Center. Mr. Wilson clarified that the parcel issue was overlooked during the entitlement process for the Province Center, since other issues prevailed at the time.

Risa Horowitz, Belmont resident, stated she lives across the street from the high school and the university, and would be affected by any CDP amendment. The high school should not be forcing this issue and it has not been a good neighbor. She expressed concern regarding potential future uses of the Province Center. The request is not reasonable and it will not strengthen any of the institutions. She does not believe the motive as stated by the applicant. The findings are unnecessarily gratuitous.

Sam Horowitz, Belmont resident, stated this parcel issue was not overlooked, but something has changed. Future changes at the University could affect this action. He noted that the City cannot regulate religious use. All three institutions have a rich history in Belmont. He recommended that the residential use of the Province Center not be disassociated with the educational mission of the entities. He is otherwise opposed to this request if that cannot be accomplished.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Warden, the Public Hearing was unanimously closed by a show of hands.

Discussion ensued regarding the relationship of all three entities and the uses of each facility. City Attorney Zafferano stated that additional information may be necessary to better define this issue.

Councilmember Warden stated he was a member of the Planning Commission when the Province Center was developed. The conditions of development were not based on a lot split, and it is unknown what additional conditions may have been required if the lot split were considered at the time. He recommended a review of the documentation from the prior action prior to consideration of this current request.

Community Development Director de Melo stated that same finding is required for this current request as was required for the CDP amendment to allow for the building of the Province Center, which is related to General Plan consistency. Approval of tentative parcel maps rests with the City Council for four or fewer lots.

Councilmember Lieberman stated he supports the request of the lot split for financial reasons, but does not wish to break the connection between the entities. He would like to better understand the mechanics of that relationship, and also would like to provide flexibility of current operations.

Mayor Mathewson noted that stated intentions are not always true, but circumstances sometimes change. He expressed concern regarding the parking requirements and shared parking agreements. He noted that a review of prior actions may assist with clarifying these issues.

Mr. Wilson clarified that a 30- or 60-day postponement would not be an issue, and he could assist with providing input on the various issues raised by Council.

ACTION: On a motion by councilmember Warden, seconded by Councilmember Feierbach, this Hearing was unanimously continued to June 27, 2006, by a show of hands.

RECESS: 9:40 P.M.

RECONVENE: 9:45 P.M.

OLD BUSINESS

Status Report on Notre Dame de Namur Piano Competition Funding Proposal

Interim Parks and Recreation Director Bridges stated that the University is not pursuing the international piano competition this year, although it may host a local competition. They hope to be able to pursue something for next year.

Council Priority Calendar: Step Two - Adopting the Calendar

Administrative Assistant Stallings stated that following the ranking of items at the last meeting, staff determined it can address eleven of the items during the next year. A calendar of milestones will be developed based on future Council action needed on all items and will include the recommended cancellation of the August 22nd and December 26th Council meetings. A city-wide priority list of issues will also be developed.

Discussion ensued regarding the solar issue. Councilmember Dickenson stated that solar access is separate from the solar legislative issues, and has been placed below the line based on ranking. Headway has been made regarding the other solar issues.

Interim Parks and Recreation Director Bridges stated that a great deal of planning would be required for this to be a feasible project.

Councilmember Dickenson stated that if it is infeasible to implement, it does not need to be addressed at this time.

Councilmember Lieberman stated that there could be a return on investment in only one year, and he would support it being placed above the line.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Dickenson, the Priority Calendar and Project Description Forms were unanimously approved, as presented, by a show of hands.

Council concurred to cancel the Council meetings as noted.

Discussion ensued regarding the city-wide priorities. Council concurred to remove the City Hall and Library projects as they are nearly complete, and to add General Plan Update, Fire Department issues, and Utility Undergrounding on Old County Road.

Administrative Assistant Stallings stated that the Priority Calendar and City-Wide Priorities list would be revised as noted and placed on the next agenda for adoption.

NEW BUSINESS

Discussion and Direction Concerning the Solid Waste Management Program

Public Works Director Davis reviewed the management of the solid waste program through the City's part-ownership of the South Bay Waste Management Authority (SBWMA) facility, and its franchise agreement with Allied Waste for collection of trash and recycling. The solid waste program is \$4 million, and there are over 6300 customers to serve. He explained that the franchise agreement defines the collection rates paid, and he reviewed the breakdown of the allocation of fees. He noted that the current process of the establishment of rates is burdensome and needs to be addressed. There are incentives built into the fee structure to encourage recycling.

Public Works Director Davis reviewed the recent history of rate increases, and noted there would be a projected deficit of just over \$600,000 if the rate is not adjusted this year. Other cities' rates within the SBWMA were surveyed, and Belmont is below the average. He recommended the establishment of a Solid Waste Management ServiceCenter within the Budget, with associated performance measures. Staff time spent on solid waste issues is now subsidized by other enterprise funds or the General Fund, and there is no way to track and recover costs of these services. He noted that at the last meeting, Council took action to remove street sweeping from the National Pollution Discharge Elimination System (NPDES) Program, and it will also require its own service center.

In response to Councilmember Dickenson, Public Works Director Davis clarified that the charges to Allied Waste for overweight vehicles is deposited to the street program account. He also clarified that the Council previously took action to create a separate fund for the \$600,000 three-year payback rebate, and distribution of those funds would be made at another time.

In response to Councilmember Lieberman, Public Works Director Davis explained the pooling of the balancing account among the 12 member cities, and that a zero account is desirable, although not required by the Joint Powers Authority agreement. Some cities have a surplus, some do not, including Belmont, and there is a fiduciary responsibility for each entity to pay its fair share.

Public Works Director Davis noted that the moving of street sweeping into this area will result in a ten percent increase in the overall costs to this program. A new rate structure will be generated by staff, not the consultant. He will be providing choices for the payback of the deficit.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Discussion and Direction Regarding Options for Finance Commission Vacancy

City Clerk Cook noted that the recent resignation of a Finance Commissioner has resulted in a vacancy. She outlined the options available for filling the position, including leaving it vacant.

Discussion ensued regarding options. Concerns were raised that applicants not appointed are not attending meetings.

Councilmember Warden supported leaving the position vacant for 10 months.

Discussion ensued regarding requesting former Commissioner Ledoux to reapply to fill out the vacancy.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, and **denied** by a show of hands (2/3, Warden, Lieberman, Mathewson no) to appoint Peter Schaffer (previous applicant) to fill the vacant position on the Finance Commission.

Councilmember Warden stated he would be willing to interview Mr. Schaffer again but was not comfortable with appointing him at this time. Councilmember Lieberman concurred.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Feierbach, and unanimously approved by a show of hands to request that former Commissioner Ledoux be invited to reapply, and if he was not interested, to leave the position vacant.

MEETING EXTENSION: at this time, being 10:30 p.m., on a motion by Councilmember Lieberman, seconded by Councilmember Dickenson, the meeting was unanimously extended for 30 minutes by a show of hands.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of direction to staff to evaluate ingress and egress with respect to the farthest east parking lot at Belmont Village Center on Ralston Avenue between Sixth Avenue and El Camino (Lieberman)

Councilmember Lieberman expressed concern regarding safety and the disruption of traffic when vehicles exit the driveway at the Village Center just west of El Camino Real. He noted the same issue exists on the driveway at Walgreens, just across the street.

Public Works Director Davis stated that if Council concurs with this concern, these items could be taken to the Parking/Traffic Safety Committee for review. He noted they would be separate issues.

Council concurred with the staff recommendation.

Consideration of minor modification to Council Intergovernmental Agency assignments -- Office of Emergency Services Council (Dickenson)

Councilmember Dickenson stated that he is currently the alternate designee to this assignment, but would like to be the primary. Councilmember Warden stated he had no issue.

Council concurred to make the adjustment in the assignment.

Consideration of establishing a tree within Twin Pines Park to use as a holiday tree (Mathewson).

Mayor Mathewson proposed establishing a tree within Twin Pines Park that could be lighted during the holidays.

Council concurred to have staff review this matter and return with options.

Consideration of establishing a Citizens Academy (Mathewson)

Mayor Mathewson noted that some cities have a Citizens Academy as a way for residents to become more knowledgeable about local government. He noted that this might be one way to recruit commission applicants.

Councilmember Warden cited the existing Leadership Academy sponsored through the Redwood City Chamber of Commerce. He expressed concern regarding the impact on staff and the bureaucracy an Academy might pose. He noted that if the Assistant City Manager position is eventually refilled, this would be a good project for that person to undertake.

Councilmember Dickenson stated this issue is worth looking into, and Councilmember Lieberman expressed support for anything that would lead to greater involvement in the community.

Council concurred to have staff look into options regarding a Citizens Academy.

Consideration of change of expiration date of current Planning Commission application process (Mathewson)

Mayor Mathewson expressed concerns regarding potential quorum issues on the Planning Commission, and recommended changing the expiration date of the current open application period in order to appoint someone sooner.

Councilmember Feierbach noted that there were a number of large issues forthcoming for the Commission.

Councilmember Warden stated that a date was established and should not be changed.

City Clerk noted that Council could interview shortly after the existing deadline of May 26th, and new Commissioners could be in place in time for the first June Commission meeting.

Council concurred to leave the application deadline set at May 26, 2006.

ADJOURNMENT at this time, being 10:40 p.m.

Terri Cook

Belmont City Clerk

Meeting Tape Recorded and Videotaped
Audio Recording 635

Minutes approved 5/23/2006